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A Long Path of Ugly Lies

Thurgood Marshall resigned on a Thursday at the end of June. By Monday, George Bush proclaimed that the best-qualified person in the land for the job was Clarence Thomas, the first of many lies told by people on both sides of the joyless trail marking Thomas' ascension to the Supreme Court.

In those four days between the descent of Marshall and rise of Thomas, large file cabinets were drawn open in a sealed, secure room on 10th Street and Pennsylvania Avenue in Washington. Here, in the headquarters of the FBI, was every scrap of public litter left by Clarence Thomas.

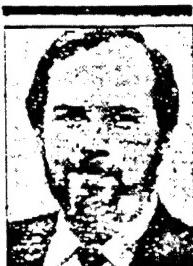
By the time Thomas was nominated for the Supreme Court, the FBI's SPIN section — honest, it stands for Special Inquiry — already had investigated his life and times twice. The first was in 1983, when he had been named chairman of the Equal Employment Opportunity Commission, and later in 1989 when he had been nominated as a federal appeals court judge.

Both inquiries had generated tons of paper. Now they only had to update their reports on him since 1989. A headquarters staff of 150 had overseen scores of agents in offices across the country who were to investigate the character, reputation and associates of Clarence Thomas. It wasn't that Thomas was particularly ripe for plucking: Anyone named to a big job by the White House is supposed to be turned inside out.

Here are the topics hunted down by the FBI:

- Personal and business credit issues.
- Civil suits, including divorces.
- Loss of jobs, by firing or other means.
- Contacts with representatives of foreign countries.
- Personal details that could be used as blackmail.
- Professional grievances.
- Business dealings that might be a conflict of interest.
- Details of psychological counseling.
- Prescription drug, alcohol abuse or illegal drug use.
- Membership in clubs or organizations that keep out people of the wrong color or religion or sex.
- Criminal history.
- Lifestyle issues.

What is a lifestyle issue? The FBI didn't want to say, but no doubt they mean nasty marital relationships, other domestic miseries and homosexuality.



**Jim
Dwyer**

"It's on a case-by-case basis," said Tron Brekke, who runs the civil rights and special inquiry section of the FBI.

"Should any derogatory information be developed, that is analyzed back here at headquarters," he said. "We don't make any recommendations, findings, judgments; we try to determine if factually there is a basis for that information, and we do that through interviews. Everything we do looking into that allegation is put into a report and sent to the White House."

Much of this same digging was done on Anita Hill, right through the weekend of the hearings on her charges of sexual harassment. It did not come up

with a single indication that the woman had any psychological problems. You can bet anything serious would have come flying onto TV.

Despite this, the Republican senators called her many bad things — without a scrap of evidence, or class. They did this behind her back, after she had left the witness stand, because none of them could look her in the eye and say she was lying. It was prime-time sexual harassment, public and ugly.

And the FBI didn't find Anita Hill or her allegations on either of their first two passes across Clarence Thomas when he became EEOC chairman and a judge, or on their most recent investigation of him for Supreme Court.

How'd they miss her?

"That's like speculating on something in 1983," said Brekke, alluding to the first time Thomas' background was looked at. "There's a lot of what-ifs . . . Our process was not attacked at all [during the hearings]. I think people on both sides of the aisle talked about the reports as being important, but did not attack their credibility."

But the FBI was not the only body to dig into Clarence Thomas' background. The Alliance for Justice, a collection of liberal-ish legal groups, already had aimed at five Reagan-Bush court appointees and helped to knock out three.

And just as the FBI had its files when Thomas was nominated, so did the Alliance. "We did the major investigation of him when he was nominated to the D.C. Circuit Court," said Carol Seifert, the deputy director of the Alliance. "We knew Thomas backwards and forward. We did not oppose him there — he is not making law there."

That changed when he was put up for the Supreme Court. The Alliance decided to oppose Thomas because "his basic attitudes towards women's

rights, individual rights, and affirmative action would set the country back," said Seifert.

To investigate Thomas, a staff of three people in Washington went to work, with leads from the 25 legal groups it represents. "For Thomas,

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you comb through EEOC records, look at the cases he decided, his performance at EEOC, his record at [the Department of Education] his speeches, his writings. Then you work with the [Senate] Judiciary Committee.

"It wasn't a secret that we were conducting an investigation and that we were the ones who knew about Clarence Thomas. We heard from one of [Hill's] fellow law students at Yale that he had sexually harassed her. He didn't name her, but it wasn't hard to figure out . . . Something you recognize as dynamite, you give to the committee."

Untrue and unfair allegations of wife-beating and drug use also were passed around about Thomas. He complained that opponents would say anything to destroy him. Seifert says the

Alliance is not to blame. "Let's just say we get stories all the time and then you give it to the committee."

If Clarence Thomas was able to summon authentic rage last week, it seems to have less to do with the accusations of Anita Hill — he uttered not a bad word about her — and more with ill-bred speculation about drug abuse and his first marriage.

No wonder the public didn't believe Anita Hill. From Bush's hyper-blather about his qualifications to his opposition's mongering of ugly lies, Washington has dealt in counterfeit currency about this man for months. No one recognized the genuine article when it came along. And no official bumbo squad will ever prosecute the swarms of conservatives and liberals who devalued a decent dialogue as they passed along their bogus bills.

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October 24, 1991

Mr. Donald Forst
Editor in Chief
New York Newsday
Two Park Avenue
New York, New York 10016-5695

Dear Mr. Forst:

I have had an opportunity to read "A Long Path of Ugly Lies" by Jim Dwyer appearing in the October 16th edition of your publication. I would like to correct some inaccurate impressions left by Mr. Dwyer's article regarding the FBI's participation in the confirmation process.

Mr. Dwyer states that "every scrap of public litter left by Clarence Thomas" could be found at FBI Headquarters. The inference appears to be that the FBI's primary function during the background investigation process was to collect and act as a repository for gossip, innuendo, and hearsay concerning the nominee. As was made known to Mr. Dwyer, the FBI asks specific questions of the nominee's employer(s), references, social acquaintances, neighbors, and others. The purpose of these questions is to allow the client agency to make a valid determination as to the individual's suitability for the position. The FBI's goal is not to amass public "trash," but rather to provide the facts upon which a suitability determination can be made.

Following an explanation of how the FBI handles derogatory information concerning a nominee, Mr. Dwyer states that "Much of this same digging was done on Anita Hill.... It did not come up with a single indication that the woman had any psychological problems." Through inference, Mr. Dwyer seems to be stating that the FBI was utilized on a partisan basis to find information to attack Professor Hill's credibility. This was not the case. The investigation conducted during the hearings pertaining to Professor Hill's allegations was requested by the bipartisan Senate Judiciary Committee to the White House.

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Attention Media Rep
1 - Mr. Jones - *Attached*
1 - Mr. Drake (Room 7659, TL 213) - *Attached*
1 - Mr. Brekke (Room 5155, TL 233)

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MAIL ROOM

Mr. Donald Forst

Upon completion, the results of our inquiry were submitted to the White House and, I understand, were shared with all Committee members.

I hope this information will clarify the FBI's role in this matter.

Sincerely yours,

TJ
Thomas F. Jones
Inspector in Charge
Office of Public Affairs

1 - [REDACTED]

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NOTE: Response furnished by SSA Tron W. Brekke, Section Chief, Civil Rights and Special Inquiry Section, CID.

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